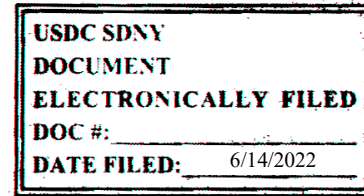


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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JJS,

Petitioner,

19-CV-2020 (VSB)(SN)

-against-

**ORDER**

W.S. PLILER,

Respondent.  
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**SARAH NETBURN, United States Magistrate Judge:**

As discussed during the May 12, 2022 conference, an evidentiary hearing shall take place in this case on June 28 and June 29, 2022. The parties should expect that the hearing will take two full business days and will begin on June 28, 2022, at 10 a.m. Prior to the hearing, the Court will confirm the courtroom in which the hearing will take place.

Recent BOP testimony before a sister court suggests that “BOP has an unwritten policy requiring transgender women inmates to live in a female facility for 12 continuous months” before those prisoners become eligible for gender-affirming surgery. Iglesias v. Fed. Bureau of Prisons, No. 19-cv-415 (NJR), 2021 WL 6112790, at \*4 (S.D. Ill. Dec. 27, 2021) (emphasis omitted). Accordingly, to structure and streamline the hearing, and absent further application from the Petitioner, the Court will focus the hearing on addressing Petitioner’s housing designation.

The Court anticipates, at a minimum, hearing live testimony from Petitioner, a member or representative of the Transgender Executive Council (“TEC”) with personal knowledge of the TEC’s decisions about Petitioner’s housing designation, and Petitioner’s relevant treating physicians and medical providers at FCI Otisville, where she was incarcerated for over four years. The Court will also accept written testimony via affidavit from Warden J. Petrucci, who requested

that the TEC approve Petitioner's transfer to a women's facility, see Am. Pet. at 12, and any other relevant treating physicians or medical care providers.


By June 22, 2022, the parties shall submit their respective lists of witnesses to provide live testimony, witness affidavits, any pretrial memoranda, exhibits, and/or other materials the parties wish the Court to consider. The parties are advised that the U.S. Marshals Service has received a writ requesting that Petitioner be produced in New York, New York, by June 22, 2022. To the extent needed, counsel for the Respondent is directed to further coordinate with Petitioner, her counsel, and the U.S. Marshals Service to ensure Petitioner's presence at the hearing.

A conference is set for 2:30 p.m. on June 16, 2022 to discuss these issues.

Finally, should the parties resolve the issues necessitating a hearing before June 28, 2022, they are to notify the Court at their earliest convenience.

**SO ORDERED.**

DATED: June 14, 2022  
New York, New York

  
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SARAH NETBURN  
United States Magistrate Judge